

Internal distribution code:

- (A) [] Publication in OJ
(B) [] To Chairmen and Members
(C) [X] To Chairmen

D E C I S I O N
of 3 December 1999

Case Number: T 1128/98 - 3.4.1

Application Number: 91913451.0

Publication Number: 0540602

IPC: H01S 3/06

Language of the proceedings: EN

Title of invention:
Optical Waveguide Amplifier

Patentee:
British Telecommunications public limited company

Opponent:
Alcatel Alsthom

Headword:
BRITISH TELECOMMUNICATIONS PLC

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number: T 1128/98 - 3.4.1

D E C I S I O N
of the Technical Board of Appeal 3.4.1
of 3 December 1999

Appellant: Alcatel Alsthom
(Opponent) P.O. Box 260
30002 Hannover (DE)

Representative: Rausch, Gabriele, Dr
Alcatel
Intellectual Property Department, Stuttgart
Postfach 30 09 29
70449 Stuttgart (DE)

Respondent: British Telecommunications public limited
(Proprietor of the patent) company
81 Newgate Street
London EC1A 7AJ (GB)

Representative: Roberts, Simon Christopher
BT Group Legal Services
Intellectual Property Department
8th Floor, Holborn Centre
120 Holborn
London EC1N 2TE (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office dated 14 October 1998
rejecting the opposition filed against European
patent No. 0 540 602 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: G. Davies

Members: U. G. O. Himmler
H. K. Wolfrum

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 14 October 1998 rejecting the opposition filed against European patent No. 0 540 602.

The appellant (patent proprietor) filed a notice of appeal by letter received on 9 December 1998 and paid the fee for appeal on the same date. No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

- II. By a communication dated 4 May 1999 sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.

- III. No answer has been given to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Beer

G. Davies